

'FEDERAL COURT OF RECORD'
AT
'THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO'
(Write the District and Division, if any, of
the court in which the complaint is filed.)

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

16 JUL 26 PM 3: 54
KH

CLERK-ALBUQUERQUE

Anthony E. Russell

(Write the full name of each claimant who is filing
this complaint. If the names of all the plaintiffs
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

-against-

Donna Henderson

Kenneth Reiss

Alex Vasquez

(Write the full name of each defendant who is
being sued. If the names of all the defendants
cannot fit in the space above, please write "see
attached" in the space and attach an additional
page with the full list of names.)

Claim for a Civil Case

Case No. 16 CV 858 WJ/KBM
(to be filled in by the Clerk's Office)

Jury Trial: ☒ Yes ☐ No
(check one)

a Russell

I. The Parties to This Complaint**A. The Claimant**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Anthony E Russell
Street Address	668 Silver Saddle Rd.
City and County	Rio Rancho, Bernalillo
State and Zip Code	New Mexico 87124
Telephone Number	719 338-4330
E-mail Address	anthanna@live.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name	Donna Henderson
Job or Title (if known) _	_____
Street Address	2059 Noble View Dr.
City and County	Rancho Palos Verde, Los Angeles
State and Zip Code	California, 90275
Telephone Number	530 613-6657
E-mail Address (if known)	_____

Defendant No. 2

Name	Kenneth M. Reiss
Job or Title	President/ Broker, United Metro Properties
Street Address	19820 North 7 th Street, Suite 280
City and County	Phoenix, Maricopa
State and Zip Code	Arizona 85024
Telephone Number	602 359-1992
E-mail Address	<u>ken@unitedmetro.com</u>

Defendant No. 3

Name	Alex Vasquez
Job or Title	Owner, Rhino Property Management
Street Address	8415 Washington Pl. NE
City and County	Albuquerque, Bernalillo
State and Zip Code	New Mexico, 87113
Telephone Number	505 856-0033
E-mail Address	alex@rhinorentalsnm.com

Defendant No. 4

Name	_____
Job or Title (if known)	_____
Street Address	_____
City and County	_____
State and Zip Code	_____
Telephone Number	_____
E-mail Address (if known)	_____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another

State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Amendment 7, United States Constitution concerning a matter greater than \$20.00

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Claimant

a. If the claimant is an individual

The claimant, Anthony E. Russell is a citizen of the State of New Mexico.

b. N/A

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, Donna Henderson, is a citizen of the State of California.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

ADDITIONAL PAGE SUPPLEMENT TO PAGE 4

The Defendant(s)

- a. If the defendant is an individual

The defendant, Ken Reiss, is a citizen of the State of Arizona.

The Defendant(s)

- a. If the defendant is an individual

The defendant, Alex Vasquez, is a citizen of the State of California.

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (*explain*):

\$95,000.00 for trespass by way of breach of contract, slander and fraud.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Wrongdoer defendants failed to honor contract by refusing to make repairs and maintain home as presented, admitted to owing claimant, Anthony E. Russell \$15,000.00 in compensation and consideration, yet refused to pay unless property at 668 Silver Saddle Rd. Rio Rancho, New Mexico was purchased at \$45000.00 over market value.

Home has been diminished in usable space by damage to roof and ceiling for 1 year and carpet floor covering of the home has needed replacing since day 1 of the contract. Carpet began showing hidden damage after two weeks. Owner refused Anthony Russell's numerous requests for replacement.

Wrongdoers dishonored and slandered Claimant by attempting to evict Claimant for legally withholding rent for not making repairs, which is legal in New Mexico. Additional routine maintenance such as weather proofing, repair of failed landscaping, replacement of faulty safety equipment and failure to make repairs after owner's representative Ken Reiss inspected the damage. Additionally, Donna Henderson and Ken Reiss have insisted I sign a new contract before any repairs or restitution be made, representing the house as pristine. All rent is paid up to date.

Donna Henderson, Owner of Property. Refused to honor contract, fraud, slander.

Ken Reiss, Brother to Donna Henderson and acting agent. Fraud, slander, extortion.

Alex Vasquez, property manager. Agent.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Trespass; Diminished value of property . \$40,000

Trespass; Breach of contract, slander, fraud and extortion. \$40,000

Admitted; due consideration by owner and agent. \$15,000

Total = \$95,000.00

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: JULY 26, 2016

Signature of Claimant

By: 

Printed Name of Claimant; Anthony E. Russell

B. For Attorneys

Date of signing: _____, 20__.

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

Telephone Number

E-mail Address

7/26/2016

From:

Anthony E Russell
668 Silver Saddle Rd
Rio Rancho, New Mexico 87124

To:

Matthew J. Dykman, Clerk of Court
333 Lomas Blvd NW
Albuquerque, NM 87102

COVER LETTER

To the Clerk of Court,

The purpose of this letter is to inform the Court Clerk that I, a man filing a claim, a temporary restraining order (T.R.O.) and injunction to be issued to the Wrongdoers.

My Lawful bases for filing this claim with the US District Court in New Mexico is that I require the use of this venue as a court of record to seat a jury in which I move my claim before to determine and render a verdict as to the right to seek and acquire monetary compensation and/or real property compensation for damages occurring from unlawful negligence, trespass, breach, fraud and extortion inflicting anguish upon me, and my family by the wrongdoers. Their trespass is intolerable, unconscionable and without consideration.

Thank You,


Anthony E. Russell